

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation  
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

FEDERICO CERETTI, CARLO GROSSO,  
KINGATE GLOBAL FUND, LTD., KINGATE  
EURO FUND, LTD., KINGATE  
MANAGEMENT, LIMITED, FIM ADVISERS  
LLP, FIM LIMITED, CITI HEDGE FUND  
SERVICES LIMITED, FIRST PENINSULA  
INDIVIDUALLY AND AS TRUSTEES OF THE  
ASHBY TRUST, THE ASHBY TRUST, ASHBY  
INVESTMENT SERVICES LIMITED  
INDIVIDUALLY AND AS TRUSTEES OF THE  
ASHBY TRUST, ALPINE TRUSTEES LIMITED  
INDIVIDUALLY AND AS TRUSTEES OF THE  
EL PRELA TRUST, PORT OF HERCULES LTD.  
INDIVIDUALLY AND AS TRUSTEE OF THE  
EL PRELA TRUST, EL PRELA TRUST, EL  
PRELA GROUP HOLDING SERVICES, ASHBY  
HOLDING SERVICES LIMITED, AND EL

Adv. Pro. No. 09-1161 (SMB)

PRELA TRADING INVESTMENTS LIMITED  
AND HSBC BANK BERMUDA LIMITED,

Defendants.

**DECLARATION OF JODI KLEINICK IN SUPPORT OF FIM  
DEFENDANTS' REPLY MEMORANDUM IN FURTHER SUPPORT OF  
ALLEGED SUBSEQUENT TRANSFEREE DEFENDANTS' MOTION TO  
DISMISS BASED ON EXTRATERRITORIALITY**

JODI KLEINICK, pursuant to 28 U.S.C. § 1746, hereby declares as follows:

1. I am a member of Paul Hastings LLP, counsel to defendants FIM Limited, FIM Advisers LLP, Carlo Grosso and Federico Ceretti (collectively, the "FIM Defendants") in this action. I submit this declaration in support of the FIM Defendants' Reply Memorandum in Further Support of Alleged Subsequent Transferee Defendants' Motion to Dismiss Based on Extraterritoriality.

2. Annexed as Exhibit 1 is a true and correct copy of the Fourth Amended Complaint ("FAC") filed in this adversary proceeding (Adv. Pro. Doc. 100).

3. Annexed as Exhibit 2 is a true and correct copy of the Third Amended Complaint filed in this adversary proceeding and Exhibit C thereto (Adv. Pro. Doc. 32).

4. Annexed as Exhibit 3 is a complete summary of the allegations in the FAC regarding the alleged subsequent transfers to the FIM Defendants, including each alleged subsequent transferor and subsequent transferee and their alleged citizenships and residencies.

5. Annexed as Exhibit 4 is a true and correct copy of the March 26, 2015 Sanctions Motion Hearing Transcript (Adv. Proc. Doc No. 190).

Dated: New York, New York  
September 30, 2015

/s/ Jodi Kleinick  
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JODI KLEINICK